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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,013	10/17/2001	Shuhei Kato	100341-00016	3791

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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT PAPER NUMBER

2113

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/978,013	KATO, SHUHEI	
	Examiner	Art Unit	
	Christopher S. McCarthy	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 9-15 is/are allowed.
- 6) ☒ Claim(s) 1,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>response to arguments</u> . |

DETAILED ACTION

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881, as cited in prior office action, which was mailed on 6/21/2004.
2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, as cited in prior office action, which was mailed on 6/21/2004.
3. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as cited in prior office action, which was mailed on 6/21/2004.
4. Claims 5, 6, 9 and 10 are allowed, as cited in prior office action, which was mailed on 6/21/2004.
5. Claims 11-15 are allowed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881.

As per claim 1, Green teaches an information processing apparatus to which a memory cartridge having a program memory is attached (column 4, lines 25-39), comprising: a system bus which is connected to said program memory upon attaching said memory cartridge (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said information processing apparatus into an off-state without further searching another processor when said error is detected (column 3, lines 18-26; column 6, lines 6-9; column 5, lines 28-36).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green.

As per claim 7, Green teaches a device, comprising: a system bus which is connected to program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said game device into an off-state without further searching another processor when said error is detected (column 3, lines 18-26; column 5, lines 28-36). Green does not explicitly teach the device to be a home-use game device and the program to be a game program. "Official Notice" is taken that at the time the invention was made it was known to incorporate fault tolerant features found in general computing systems into processor based gaming systems. A few evidentiary examples comprise the following: Sony Playstation 2, wherein the console is based upon the IBM RISC microprocessors; also, both gaming consoles and PC's take advantage of hotswap and replacement technology provided by USB; also, both gaming consoles and PC's share common power supply and regulation systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known practice of using technical advances from the PC into gaming devices with the fault tolerant features of Green, thus creating gaming consoles capable of surviving microprocessor failure, as taught by Green.

As per claim 8, Green teaches a device, comprising: a system bus which is connected to said program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said karaoke device into an off-state

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without further searching another processor when said error is detected when said error is detected (column 3, lines 18-26; column 5, lines 28-36). Green does not explicitly teach the device to be a home-use karaoke device and the program to be a karaoke program. "Official Notice" is given that at the time the invention it was known to incorporate fault tolerant features found in general computing devices into processor into specialized gaming devices, such as karaoke devices. An evidentiary example of a karaoke gaming device is the Bemani Dance Dance Revolution Karaoke Mix gaming device, in which the IBM RISC processor is utilized; other evidentiary examples are listed above for the gaming device, which includes a karaoke device. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known practice of using technical advances from the PC into karaoke gaming devices with the fault tolerant features of Green, thus creating karaoke gaming consoles capable of surviving microprocessor failure, as taught by Green.

Allowable Subject Matter

8. Claims 5, 6, 9-15 are allowed.
9. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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10. Applicant's arguments filed 8/31/05 have been fully considered but they are not persuasive.

The applicant has amended and has argued the new limitation of a stopping means for shutting down said information processing apparatus into an off-state without further searching another processor when said error is detected. The applicant contends that this limitation overcomes the Green reference. The examiner respectfully disagrees. Green teaches in column 5, lines 28-44 and other sections, that the system find a failure with a processor and then resets the system and then searches for an alternative processor for boot-up. While the examiner admits that Green does search for an alternate processor, it does so upon start up of the system and not upon shut down. Therefore, the new limitation is taught by Green, in that, Green teaches the shutting down of the system upon a failure of processor into an off-state. After the reset, upon power up, Green teaches that the system searches for a new processor. Again, as argued in the past office action, Green teaches an extra step of finding an alternate processor, but it is done upon power up, not on shut down. Therefore, the new limitation is still met by Green and all applicable rejected claims stand.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm

October 24, 2005


ROBERT DEFUSCOLIEL
SUPERVISORY PATENT EXAMINER
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